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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JOHN WILLIAM WALLACE,

Plaintiff,

Civil No. 11-6300-TC

v.

STATE OF OREGON,

ORDER TO PROCEED IN FORMA
PAUPERIS AND ORDER TO DISMISS

Defendant.

HOGAN, District Judge.

Plaintiff's submitted a "Complaint" to the court, but did not pay the filing fee or file an application to proceed *in forma pauperis*. Plaintiff is hereby granted in forma pauperis status. However, for the reasons set forth below, plaintiff's complaint is dismissed, without service of process, on the basis that it is frivolous. See 28 U.S.C. § 1915(d).

A complaint filed *in forma pauperis* may be dismissed before service of process if it is deemed frivolous under 28 U.S.C. §1915(d). Neitzke v. Williams, 490 U.S. 319, 324 (1989); Jackson v. State of Ariz., 885 F.2d 639, 640 (9th Cir. 1989). A complaint is frivolous "where it lacks an arguable basis in law or in fact." Neitzke, 490 U.S. at 325; Lopez v. Dept. of Health Services, 939 F.2d 881, 882 (9th Cir. 1991); Jackson, 885 F.2d at 640.

In determining whether a civil rights complaint is frivolous under § 1915(d), this court is mindful of the requirement to liberally construe the allegations of a *pro se* plaintiff and to afford the plaintiff the benefit of any doubt. Lopez, 939 F.2d at 883.

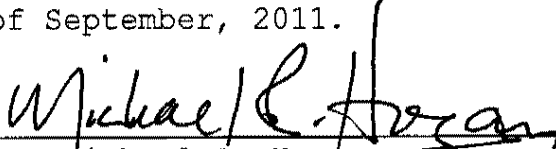
I find that regardless of how liberally plaintiff's complaint is construed, it fails to state a claim. To the extent the handwritten complaint if legible, it is totally incomprehensible.

CONCLUSION

Based on the foregoing, IT IS ORDERED that plaintiff's complaint is DISMISSED. Because it is apparent that the deficiencies of the complaint cannot be cured by amendment, the dismissal is with prejudice.

IT IS SO ORDERED.

DATED this 28th day of September, 2011.


 Michael R. Hogan
 United States District Judge